

EXHIBIT A

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

SELMA LONG,
Plaintiff,

V.

Civil Action Number: 20-C-

238-B

CRACKER BARREL OLD COUNTRY STORE, INC.

Defendants.

COMPLAINT

RALEIGH COUNTY
RECEIVED AND FILED
JUN 24 2020
PAUL H FLANAGAN
CIRCUIT CLERK

Comes now the Plaintiff, by and through counsel, New, Taylor & Associates, and hereby sues and brings claims for negligence, willful, wonton and reckless conduct, with complete disregard for the safety of invited persons onto the property owned by Defendant, Cracker Barrel Old Country Store, Inc., (Cracker Barrel). This civil action is a result of injuries sustained by Plaintiff, when, on or about the 28th day of June, 2018, unknown to her, was exposed to a foreseeable high risk of harm due to the fact that hazardous condition(s) were allowed to remain in the entrance/exit of Cracker Barrel, whereby any and all invited persons were required to enter/exit the establishment. The Plaintiff was not warned of this hazardous condition(s), and the Defendant did not take any preventive measures to repair and/or warn of said hazard(s), resulting in the Plaintiff's fall and subsequent injuries.

JURISDICTION AND VENUE

1. That all events relating hereto occurred in Raleigh County, West Virginia.

Therefore, jurisdiction and venue are proper in the Circuit Court of
Raleigh County, West Virginia.

THE PARTIES

2. The Plaintiff is a resident of Raleigh County, West Virginia.
3. The Defendant, Cracker Barrel, is a corporation conducting business in West Virginia, licensed and currently in good standing through the West Virginia Secretary of State.

FACTS

4. That on or about the 28th day of June, 2018, the Plaintiff was an a patron of the Defendant's place of business, located at 2112 Harper Road, Beckley, Raleigh County, West Virginia.
5. After having a meal with her family, Plaintiff was attempting to exit Defendants premises.
6. Cracker Barrel has two sets of doors that invited patrons are required to pass through, either entering or exiting the premises.
7. Plaintiff was exiting Cracker Barrel and had passed through the first set of doors without incident.
8. Upon attempting to exit the second set of doors, the Plaintiff pushed the left door open, was stepping through, when she tripped.
9. The flooring leading to the threshold is lower than the threshold, resulting in the threshold being elevated above the level of the floor, resulting in a hazardous condition.
10. Subsequent to tripping over the elevated door threshold, as Plaintiff was falling, the door, which Plaintiff had pushed upon, swung shut, striking the Plaintiff in the back, adding momentum to her fall, where she landed face down on the cement sidewalk, resulting in extremely serious injuries.

11. That at the time of the incident that makes the basis of this complaint, hazardous condition(s) had been allowed to stand unattended and unidentified in the entrance/exit area of the Defendant's place of business, where all invited persons are required walk when entering/exiting the premises.

COUNT I

NEGLIGENCE/GROSS NEGLIGENCE

12. Plaintiff hereby reasserts and incorporates by reference the allegations / facts contained in this Complaint as set forth herein.
13. Defendant had a duty to exercise a degree of care to keep and maintain the premises in a reasonably safe condition, ensuring that it provide a safe, hazard free environment for the patrons on its property.
14. Defendants breached said duty by allowing the hazardous condition(s) to remain unattended and unidentified in the entrance/exit doorway of its place of business where patrons were required to walk when entering or exiting the premises.
15. As a direct and proximate result of Defendant's negligence, Plaintiff sustained damages as set forth herein.

DAMAGES

16. Plaintiff has suffered actual damages as a direct and proximate result of Defendant's actions or inactions which include, but are not limited to, traumatic hemorrhage of cerebrum, traumatic subdural hemorrhage, maxillary fracture, fracture of orbital floor, fracture of nasal bones, fracture of base of skull, a T8 fracture subacute, abrasions to the head, face and back, and weakness.

17. That as a direct and proximate result of the actions of the Defendant, Plaintiff has incurred past, present and future mental pain and suffering, inconvenience, loss of the enjoyment of life and emotional distress, and will continue to do so in the future.
18. That as a direct and proximate result of the actions of the Defendant, Plaintiff has incurred past, present and future physical pain and suffering, inconvenience, loss of the enjoyment of life, and will continue to do so in the future.
19. That Plaintiff has incurred past, present and future medical costs, which total \$223,288.78

RELIEF DEMANDED

20. Plaintiff demands compensatory damages for past, present and future medical expenses, and all other such loss of services in a fair and just amount to be determined by the jury at trial.
21. Plaintiff demands general damages for past, present and future pain and suffering, mental anguish, permanent injury, inconvenience, loss of the enjoyment of life and emotional distress in a fair and just amount to be determined by the jury at trial.
22. Plaintiff demands punitive damages in a fair and just amount to be determined by the jury at trial.
23. Plaintiff demands pre-judgment and post-judgment interest.
24. Plaintiff demands costs and attorney fees expended in this action.
25. Plaintiff demands any other further general or specific relief which the Court or the jury deems just and proper. A jury trial is requested.

Selma Long
By Counsel,



Stephen P. New, WV State Bar ID No. 7756
Amanda J. Taylor, WV State Bar ID No. 11635
114 Main Street
Beckley, West Virginia 25801
304-250-6017

**CIVIL CASE INFORMATION SHEET
IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA**

I. CASE STATEMENT

SELMA LONG,
Plaintiff,

v.

Cracker Barrel Old Country Store, Inc.
C/O CT Corporation System
1627 Quarrier St.
Charleston, WV 25311-21234
Defendant.

Case # 20-C- 236

Judge: RAB

Days to Answer: 30


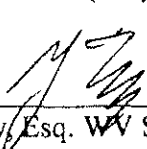
Type of Service: Personal

II. TYPE OF CASE: Personal Injury

III. JURY DEMAND: X YES
CASE WILL BE READY FOR TRIAL BY (Month/Year): December, 2020.

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMODATIONS DUE TO A DISABLITY OR AGE? NO

Attorney Name: Stephen P. New Representing Plaintiff
Amanda J. Taylor
Firm: New, Taylor & Associates
Address: 114 Main Street
Beckley, WV 25801
Telephone: (304) 250-6017

 
Stephen P. New, Esq. WV State Bar ID No. 7756
Amanda J. Taylor, Esq. WV State Bar ID No. 11635

Dated: 6-24-2020

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

SELMA LONG,
Plaintiff,

V.

Civil Action Number: 20-C-

238-B

CRACKER BARREL OLD COUNTRY STORE, INC.
Defendant.


SUMMONS
(Civil Case)

To the above-named Defendant:
Cracker Barrel Old Country Store, Inc.
C/O CT Corporation System
1627 Quarrier St.
Charleston, WV 25311-21234

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon NEW, TAYLOR & ASSOCIATES, Plaintiff's attorney, whose address is 114 Main Street, Beckley, WV 25801, an answer, including any related counter claim or defense you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **30 days** after the service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim, cross complaint or defense you may have, which must be asserted in the above styled civil action.

DATED: 6-24-2020


CLERK OF THE COURT